

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

In re:

**Nathaniel Brooks Sr. and Barbara Lewis  
Brooks**

**Case No. 11-80450**

S.S. Nos.: xxx-xx-8646 and xxx-xx-6944

Mailing Address: 1007 Brandon Road, Durham, NC 27713-

Debtors.

**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on March 17, 2011.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: March 28, 2011

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

John T. Orcutt  
N.C. State Bar No. 10212  
Counsel for the Debtors  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615  
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

CH. 13 PLAN - DEBTS SHEET (MIDDLE DISTRICT - DESARDI VERSION)				Date: 12/21/10			
				Lastname-SS#: Brooks-8646-SS			
<b>RETAIN COLLATERAL &amp; PAY DIRECT OUTSIDE PLAN</b>							
Retain	Creditor Name	Sch D #	Description of Collateral				
	Festiva TM	5	TimeShare				
	Festiva TM	4	TimeShare Maint.				
<b>SURRENDER COLLATERAL</b>							
Creditor Name		Description of Collateral					
<b>ARREARAGE CLAIMS</b>							
Retain	Creditor Name	Sch D #	Arrearage Amount	(See †)			
				**			
				**			
				**			
				**			
				**			
	BOA - 1st DOT	1	\$4,734	**			
	Emory Woods	3	\$720	**			
			**				
			**				
<b>REJECTED EXECUTORY CONTRACTS/LEASES</b>							
Creditor Name		Description of Collateral					
<b>LTD - DOT ON PRINCIPAL RESIDENCE &amp; OTHER LONG TERM DEBTS</b>							
Retain	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	BOA - 1st DOT	1	\$1,704	N/A	n/a	\$1,704.00	land, home, escrow
	Emory Woods	3	\$60	N/A	n/a	\$60.00	land, home
				N/A	n/a		
				N/A	n/a		
<b>STD - SECURED DEBTS @ FMV</b>							
Retain	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
				5.00			
				5.00			
				5.00			
				5.00			
<b>STD - SECURED DEBTS @ 100%</b>							
Retain	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	Wells Fargo	6	\$16,785	5.00	\$136	\$352.90	2004 Yukon Denali
				5.00			
				5.00			
				5.00			
				5.00			
ATTORNEY FEE (Unpaid part)		Amount					
Law Offices of John T. Orcutt, P.C.		\$2,800					
SECURED TAXES		Secured Amt					
IRS Tax Liens							
Real Property Taxes on Retained Realty							
UNSECURED PRIORITY DEBTS		Amount					
IRS Taxes		\$300					
State Taxes		\$669					
Personal Property Taxes							
Alimony or Child Support Arrearage							
CO-SIGN PROTECT (Pay 100%)		Int. %	Payoff Amt				
All Co-Sign Protect Debts (See*)							
GENERAL NON-PRIORITY UNSECURED		Amount**					
DMI= None(\$0)		None(\$0)					
<b>PROPOSED CHAPTER 13 PLAN PAYMENT</b>							
\$		\$2,369	per month for		60	months, then	
\$		N/A	per month for		N/A	months.	
Adequate Protection Payment Period:					2.24	months.	
Sch D # = The number of the secured debt as listed on Schedule D.							
Adequate Protection = Monthly 'Adequate Protection' payment amt							
† = May include up to 2 post-petition payments.							
* Co-sign protect on all debts so designated on the filed schedules							
** = Greater of DMI x ACP or EAE (Page 4 of 4)							
Ch13Plan_MD_(DeSardi Version 1/12/10) © LOJTO							
<b>Other Miscellaneous Provisions</b>							
Plan to allow for 3 "waivers".							

## **CERTIFICATE OF SERVICE**

I, Kaelyn McCollum, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s Kaelyn McCollum  
\_\_\_\_\_  
Kaelyn McCollum

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

Bureau of Collection Recovery LLC  
7575 Corporate Way  
Eden Prairie, MN 55344

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

Absolute Collection Service \*\*  
421 Fayetteville Street Mall  
Suite 600  
Raleigh, NC 27601

CACH, LLC \*\*  
4340 S Monaco St Unit 2  
Denver, CO 80237-3408

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

Bank of America / FIA Card Services  
P.O. Box 15026  
Wilmington, DE 19850

Capital One \*\*\*  
Post Office Box 30285  
Salt Lake City, UT 84130-0285

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

Bank of America Home Loans  
Post Office Box 660694  
Dallas, TX 75265-0694

Chase \*\*\*\*  
Cardmember Service  
Post Office Box 15298  
Wilmington, DE 19850-5298

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

Bank of America Home Loans\*\*  
Customer Service  
PO Box 5170  
Simi Valley, CA 93062-5170

Citi  
PO Box 6497  
Sioux Falls, SD 57117-6497

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

Bank of America Loans Servicing  
7105 Corporate Drive  
Plano, TX 75024-4100

Citi  
Post Office Box 6276  
Sioux Falls, SD 57117-6276

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

Barclays Bank Delaware  
Card Services  
Post Office Box 8802  
Wilmington, DE 19899-8802

Citi Cards  
PO Box 6286  
Sioux Falls, SD 57117

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

Belk\*\*\*  
c/o GE Money Bank - Bankruptcy Dept  
Post Office Box 103104  
Roswell, GA 30076

Credit Bureau of Greensboro\*\*  
Post Office Box 26140  
Greensboro, NC 27402-0040

Internal Revenue Service (ED)\*\*  
Post Office Box 7346  
Philadelphia, PA 19101-7346

Bureau of Collection Recovery  
Post Office Box 876  
Oaks, PA 19456

Credit First  
Post Office Box 81083  
Cleveland, OH 44181

Duke Primary Care  
5213 South Alston Avenue  
Durham, NC 27713

Festiva Management Group  
Festiva Adventure Club  
One Vance Gap Road  
Asheville, NC 28805

Lowe's  
c/o GE Money Bank - BK Departm  
PO Box 103104  
Roswell, GA 30076

Duke Private Diagnostic Clinic  
Post Office Box 530  
Durham, NC 27702-0530

Firstsource Advantage, LLC  
205 Bryant Woods South  
Amherst, NY 14228

Mitchell A. Meyers  
Sessoms & Rogers, PA  
PO Box 52508  
Durham, NC 27717

Duke University Health System  
5213 South Alston Avenue  
Durham, NC 27713

GEMB  
PO Box 103106  
Roswell, GA 30076

North Carolina Department of Rev  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

Duke University Health System  
Post Office Box 91040  
Durham, NC 27708-1040

GEMB/Boybt  
PO Box 981439  
El Paso, TX 79998-1439

North Carolina Dept of Revenue\*\*  
Post Office Box 1168  
Raleigh, NC 27602-1168

Duke University Health System, Inc  
421 Fayetteville Street  
Suite 600  
Raleigh, NC 27601

HSBC \*\*\*  
Cardmember Services  
PO Box 5250  
Carol Stream, IL 60197-5250

North Carolina Speciality Hospital  
P.O. Box 15133  
Durham, NC 27704-5133

Durham County Tax Collector  
Post Office Box 3397  
Durham, NC 27701

Internal Revenue Service (MD)\*\*  
Post Office Box 7346  
Philadelphia, PA 19101-7346

Portfolio Recovery Associates \*\*\*  
120 Corporate Boulevard  
Ste. 100  
Norfolk, VA 23502

Durham Regional Hospital  
Post Office Box 91040  
Durham, NC 27708-1040

JC Penney \*\*  
c/o GE Money Bank-Bankruptcy Dept  
Post Office Box 103104  
Roswell, GA 30076

Private Diagnostic Clinic, PLLC  
5213 South Alston Avenue  
Durham, NC 27713

Emory Woods Community Association, Inc  
1722 Alfred Street  
Durham, NC

Kay Jewelers  
Post Office Box 3680  
Akron, OH 44309-3680

Publishers Clearing House  
Post Office Box 4002936  
Des Moines, IA 50340-2936

Federal Housing Authority\*\*  
Department of HUD  
1500-401 Pine Croft Road  
Greensboro, NC 27407

Kohls/Chase  
PO Box 3115  
Milwaukee, WI 53201-3115

RCS  
CSRECS01  
Post Office Box 1022  
Wixom, MI 48393-1022

Sears  
Post Office Box 6283  
Sioux Falls, SD 57117-6283

Wells Fargo Auto Finance  
Post Office Box 29704  
Phoenix, AZ 85038-9704

Sessoms & Rogers, P.A.  
Post Office Box 52508  
Durham, NC 27717

Wells Fargo Financial National Bank  
800 Walnut Street  
MAC F4030-04C  
Des Moines, IA 50309

SunTrust  
Cardmember Services  
P.O. Box 791278  
Baltimore, MD 21279-1278

Wells Fargo Financial National Bank  
Post Office Box 10475  
Des Moines, IA 50306

Suntrust  
Bankruptcy Dept./ RVW 7941  
P.O. Box 85092  
Richmond, VA 23286

SunTrust Bank  
Cardmember Services  
PO Box 621629  
Orlando, FL 32862-1929

T-Mobile\*\*  
Bankruptcy Department  
Post Office Box 37380  
Albuquerque, NM 87176-7380

The Law Offices of John T. Orcutt  
6616-203 Six Forks Road  
Raleigh, NC 27615

UPA  
6075 Roswell Road  
Suite 515  
Atlanta, GA 30328-4062

US Attorney's Office (MD)\*\*  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858